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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,828	07/18/2003	Pamela J. Crachy	Pool Tray	1994
7590	05/10/2004		EXAMINER	
Kajane McManus P.O. Box 344 Wonder Lake, IL 60097				HUYNH, KHOA D
		ART UNIT	PAPER NUMBER	3751

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,828	CRACHY, PAMELA J.	
	Examiner Khoa D. Huynh	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 July 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, as presently understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff (4893363) in view of LaCroix et al. (6017085).

The Huff reference discloses a hanging wall table or tray for swimming pools. The tray includes a horizontal platform (at 14) having grooves or perforations (at 60) for allowing water drainage. The tray also includes a base (at 20) engaged to the platform. The base further includes a first pair of legs (at 18), each having a hook (at 38) thereon for engaging a lip of the pool (Fig. 1), and a second pair of legs (at 48,50) angulated downwardly from the platform to end resting against a sidewall (at 26) of the pool.

The Huff reference DIFFERS in that the platform does not include an upstanding rim as claimed. Attention, however, is directed to the LaCroix et al. reference which discloses another hanging tray (at 22) having an upstanding peripheral rim (at 32) for protection of tray contents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Huff reference by employing an upstanding peripheral rim,

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in view of the teaching of LaCroix et al., in order to prevent contents from falling in the event of tray is tipped or bumped.

Regarding claim 2, the Huff reference also DIFFERS in that it does not specifically include a cover as claimed. Attention, however, is also directed to the LaCroix et al. reference which discloses another hanging tray (at 22) having a lid or cover (at 34) for covering the contents of the tray. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Huff reference by employing a cover, in view of the teaching of LaCroix et al., in order to cover and prevent contents from falling in the event of tray is physically disturbed. Regarding the recitation "removable cover", the cover (at 34) is capable of being removed by disconnecting the attached mechanism (at 38).

Regarding claim 3, the Huff reference also DIFFERS in that it does not specifically include a cover as claimed. Attention, however, is also directed to the LaCroix et al. reference which discloses another hanging tray (at 22) having a lid or cover (at 34) for covering the contents of the tray. As schematically shown in Figure 14, the cover is hinged via a hinge (at 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Huff reference by employing a cover, in view of the teaching of LaCroix et al., in order to cover and prevent contents from falling in the event of tray is physically disturbed.

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Regarding claim 4, claim 4 is the combination of claims 1 and 2 that are rejected as discussed above.

Regarding claim 5, claim 5 is the combination of claims 1 and 3 that are rejected as discussed above.

Conclusion

3. The prior art made of record is considered pertinent to applicant's invention as claimed and could be used to formulate a rejection if needed. It is recommended that applicant should make an attempt to review the cited prior art. Karpinski was cited to show a refreshment stand for swimming pool. Getfield and Lambert was cited to show a collapsible tray assembly for use in an automobile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (703) 306-5483. The examiner can normally be reached on M-F (7:00-4:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa D. Huynh
Patent Examiner
Art Unit 3751

HK
05/07/2004